

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JANEE L. PACHECO,

Plaintiff,

v.

ANAHEIM UNION HIGH SCHOOL  
DISTRICT, et al.,

Defendants.

Case No. SACV 24-0525 JFW (PVC)

**ORDER GRANTING PLAINTIFF'S  
REQUEST TO VOLUNTARILY  
DISMISS ACTION PURSUANT TO  
FED. R. CIV. P. 41(a)(2)**

On March 8, 2024, Janee L. Pacheco (Guardian) filed a civil rights complaint on behalf of her minor son KJ (Plaintiff), a California junior high school student. (Dkt. No. 1). On June 4, 2024, the Court denied Plaintiff's Motion for Appointment of Counsel, noting that there is no constitutional right to appointed counsel in a civil action. (Dkt. No. 27). On July 8, 2024, Defendants filed three separate Motions to Dismiss, asserting that Guardian could not proceed without counsel. (Dkt. Nos. 34, 35, 36).

At a September 24, 2024 hearing, the Court admonished Guardian that pursuant to binding Ninth Circuit precedent, "a non-attorney parent must be represented by counsel in bringing an action on behalf of his or her child." *Grizzell v. San Elijo Elementary Sch.*,

1 110 F.4th 1177, 1179 (9th Cir. 2024). (Dkt. No. 50). The Court postponed ruling on the  
2 Motions to Dismiss for 30 days to give Guardian additional time to secure counsel. (*Id.*).  
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4 Pending before the Court is Plaintiff's "Motion to Withdraw," which the Court  
5 construes as a request to voluntarily dismiss the action without prejudice pursuant to Fed.  
6 R. Civ. P. 41(a)(2). ("Request," Dkt. No 51). In her Request, Guardian asserts that she  
7 has found an attorney willing to represent Plaintiff, contingent upon Guardian's ability to  
8 raise sufficient funds to cover the attorney's retainer fee. (*Id.* at 1). Guardian believes  
9 that it will take her at least 90 days to secure the necessary funds. (*Id.*). Accordingly, she  
10 requests that "this case be withdrawn without prejudice, with the understanding that it  
11 may be refiled once the necessary funds have been raised and counsel retained." (*Id.* at  
12 2).  
13

14 Finding good cause, Plaintiff's Request is **GRANTED**. Pursuant to Fed. R. Civ. P.  
15 41(a)(2), this action is **DISMISSED WITHOUT PREJUDICE**. The pending Motions to  
16 Dismiss are **DENIED WITHOUT PREJUDICE AS MOOT**.  
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18 DATED: October 11, 2024  
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22 JOHN F. WALTER  
23 UNITED STATES DISTRICT JUDGE  
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